

Montana Off-Highway Vehicle Equipment and Operator Laws

Summary of Rules and Regulations common to Montana State, USFS, and BLM-managed lands:

All motorized users are responsible for knowing where, when, and how they are allowed to travel on public lands. Travel management maps and information are available at local agency offices. Travel management violations are strictly enforced.

All OHVs (motorcycles, ATVs) operated on federal and state lands are required to display a registration decal.

All OHV operators under 18 are required to wear an approved helmet.

OHV seating capacity – is assumed to be for the operator *only* unless the unit is specifically designed to carry a passenger.

The operator must accept all legal responsibility for injury or damage of any kind resulting from the inherent risks of off-highway use.

OHVs must be *street legal* in order to travel on public roads. Public roads include all city streets, county roads, and any road (including two-track 4 X 4 roads) located on US Forest Service lands. BLM roads are not classified as public roads and do not require street legal OHVs or licensed operators.

In order to be *street legal*, an OHV must have a license plate, and the operator must have a state drivers license (16 year age requirement) with a motorcycle endorsement. In addition, the OHV must be equipped with a headlight with high and low beam, tail light and reflector, brake light, at least one operable brake (hand or foot), horn, rear-view mirror, muffler with no modifications, and spark arrestor.

Rules and Regulations specific to US Forest Service-managed lands:

US Forest Service roads (including two-track 4 X 4 roads) are considered public roads and require street legal OHVs and licensed operators.

However, children ages 12-16 who possess a Safety Certificate are allowed to operate a street legal OHV as long as they are accompanied by a licensed operator.

Contact the USFS for further information.

Rules and Regulations specific to BLM-managed lands:

BLM roads are not classified as public roads and do not require street legal OHVs. However OHVs must display a registration decal and riders under 18 are required to wear an approved helmet.

There is no minimum age limit required for operating an OHV on designated BLM roads/ trails, or designated open areas.

Montana Code Annotated - 2007

TITLE 61. MOTOR VEHICLES

61-1-101. Definitions. (51) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

61-9-203. Headlamps on motor vehicles. (1) A motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle must be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that comply with the requirements and limitations set forth in this chapter.

(2) A motorcycle, quadricycle, or motor-driven cycle must be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is registered under [61-3-411](#) as a collector's item, it need not be equipped with headlamps; however, if it is not equipped with headlamps, it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high and low beam at a rate of 200 to 280 flashes a minute; however, an operator may not modulate the headlamps at that rate during periods when headlamps are required to be lighted by [61-9-201](#).

61-9-417. Headgear required for minor motorcycle riders. (1) An operator and passenger under 18 years of age of a motorcycle or quadricycle operated upon the streets or highways of this state shall wear protective headgear upon the head. The headgear must meet standards established by the department of justice.

(2) A person may not operate a motorcycle upon a highway in the state unless all passengers under 18 years of age are in compliance with subsection (1).

61-9-418. Motorcycle and quadricycle noise suppression devices -- motorcycle and quadricycle spark arrester. (1) All motorcycles or quadricycles operated on the streets and highways of this state must be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order and in constant operation. In addition, all motorcycles and quadricycles operating on streets and highways must meet the following noise decibel limitations, on the standard A scale, to be measured at 50 feet from the closest point to the motorcycle or quadricycle:

- (a) any cycle manufactured prior to 1970.....92 db(A)
- (b) any cycle manufactured after 1969 but prior to 1973.....88 db(A)
- (c) any cycle manufactured after 1972 but prior to 1975.....86 db(A)
- (d) any cycle manufactured after 1974 but prior to 1978.....80 db(A)
- (e) any cycle manufactured after 1977 but prior to 1988.....75 db(A)
- (f) any cycle manufactured after 1987.....70 db(A)

(2) (a) Except as provided in subsection (2)(b), a motorcycle or quadricycle may be operated off of a highway on public lands only if the motorcycle's or quadricycle's noise emissions do not exceed 96 db(A), using test procedures established by the society of automotive engineers under standard J-1287.

(b) The noise limitations in subsection (2)(a) do not apply to motorcycles or quadricycles that are operated for special events permitted on closed courses by a state entity or local government.

(c) A motorcycle or quadricycle may not be operated off of a highway unless it is equipped with an adequate spark arrester to prevent the escape of sparks or other burning material from the motorcycle's or quadricycle's engine.

TITLE 23.

PARKS, RECREATION, SPORTS, AND GAMBLING

CHAPTER 2. RECREATION

Part 8. Off-Highway Vehicles

23-2-801. Definition. (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(2) Off-highway vehicle does not include:

- (a) vehicles designed primarily for travel on, over, or in the water;
- (b) snowmobiles; or
- (c) except as provided in [23-2-804](#), vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

23-2-802. Exemptions. The provisions of this part do not apply to:

- (1) an off-highway vehicle:
 - (a) owned or used by the United States or another state or an agency or political subdivision thereof;
 - (b) registered in a country other than the United States, temporarily used within this state for not more than 30 days; or
 - (c) registered in another state of the United States, temporarily used within this state for not more than 30 days; or
- (2) a licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or picnicking on a visible two-track trail or road within 1 mile of a designated road.

23-2-804. Decal required. (1) Except as provided in [23-2-802](#), an off-highway vehicle may not be operated by a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid:

- (a) the registration fee provided for in [61-3-321](#)(5); or
 - (b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under [61-3-321](#)(8), as evidenced by presentation of an owner's certificate of registration and payment receipt. The county treasurer may confirm the registration status of a motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic record of title for the vehicle.
- (2) The decal must be serially numbered.

23-2-806. Enforcement. (1) The department of fish, wildlife, and parks enforcement personnel, park rangers, sheriffs and their deputies, the Montana highway patrol, and the police of each municipality shall enforce the provisions of this part.

(2) The department is a criminal justice agency for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of [44-4-301](#). Authorized officers of the department are granted peace officer status with the power:

- (a) of search, seizure, and arrest;
 - (b) to investigate activities in this state regulated by this part and rules of the department and the fish, wildlife, and parks commission; and
 - (c) to report violations to the county attorney of the county in which they occur.
- (3) Park rangers may not carry firearms in the execution of their duties.

23-2-814. Nonresident temporary-use permits. (1) An off-highway vehicle that is owned by a nonresident and that is not registered in another state of the United States or in another country may not be operated by a person in Montana unless a nonresident temporary-use permit is obtained.

(2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department of fish, wildlife, and parks. The forms must include but are not limited to:

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the off-highway vehicle; and

(iii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of \$5, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

(3) The temporary-use permit is valid for the calendar year designated on the permit.

(4) The permit is not proof of ownership, and a certificate of title may not be issued.

(5) All money collected by payment of fees under this section must be transmitted to the department of revenue for deposit in the state general fund.

(6) Failure to display the permit as required by this section or making false statements in obtaining the permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund.

23-2-821. Off-highway crossings of public roads -- use of certain forest development roads.

(1) Except as provided in subsection (2), an off-highway vehicle may make a direct crossing of a public road when the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The off-highway vehicle must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

(2) An off-highway vehicle may not be operated on or across a highway that is part of the federal-aid interstate system.

(3) An off-highway vehicle may be operated on or across a forest development road in this state, as defined in [61-8-110](#), if the road has been designated and approved for off-highway vehicle use by the United States forest service.

23-2-822. Off-highway vehicle operator responsibilities. (1) An off-highway vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(2) Risks inherent in the sport of off-highway operation include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

(3) An off-highway vehicle operator is responsible for:

(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use within the limits of the operator's ability, taking into consideration the conditions;

(b) maintaining control of speed and course at all times while operating the off-highway vehicle;

(c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause or contribute to the injury of anyone.

(4) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.

For additional information, contact Montana State Fish, Wildlife and Parks, or log onto their website at: fwp.mt.gov. Go to Recreation; Rules and Regulations; Off-Highway Vehicle Laws.